

## BOARD OF SELECTMEN

Minutes of the Meeting of 21 February 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Catherine Flanagan Stover and Whiting Willauer. Michael Kopko was absent. Chairman Willauer called the meeting to order at 6:07 PM following a meeting of the Board of Health.

Announcements/Public Comment. None.

Approval of Minutes of 7 February 2007 at 6:00 PM, 6 February 2007 at 6:00 PM, 5 February 2007 at 7:00 PM, 5 February 2007 at 9:30 AM, 1 February 2007 at 9:30 AM and 29 January 2007 at 9:30 AM. The Board approved the minutes of 6 February 2007 as amended by unanimous consent. The Board approved the remainder of the minutes by unanimous consent.

Approval of Payroll Warrant for Week Ending 18 February 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for Week Ending 21 February 2007. The Board approved the treasury warrant and pending contracts by unanimous consent.

### Public Hearings.

1. Public Hearing to Consider Application of Bart Gangemi dba Tacos Tacos for 4 Automatic Amusement Device Licenses for the Premises Located at 2 Broad Street. Chairman Willauer opened the public hearing. Bart Gangemi spoke in favor of the request and reviewed his application. On inquiry from Chairman Willauer, Police Chief Bill Pittman noted that he had no objections to the approval. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the application. Mr. Chadwick seconded. So voted unanimously.

2. Public Hearing to Consider Application of Jetties Beach, Inc dba The Jetties, J Marshall Thompson, Manager, for: Seasonal All Alcoholic Beverages Restaurant License; Common Victualler License; Entertainment License for the Premises Located at 4 Bathing Beach Road. Chairman Willauer opened the public hearing. Marshall Thompson spoke in favor of the applications, noting the alcohol license request for 11:00 AM to 10:00 PM in the "shoulder season" and 5:00 PM to 10:00 PM in the summer season, within the restrictions of his lease of the premises with the Park and Recreation Commission. Discussion followed on time restrictions. Chief Pittman spoke in favor of maintaining consistency in liquor licenses with regard to hours of services for enforceability. Chairman Willauer closed the public hearing. Mr. Bennett moved to approve the applications with the restriction on the liquor license stipulating the hours and dates for the period of July and August (5:00 PM to 9:30 PM) and for the shoulder season (11:00 AM to 10:00 PM). It was clarified that "shoulder season" is defined as defined in Mr. Thompson's lease with Park and Recreation. Ms. Stover seconded. So voted unanimously. Mr. Chadwick moved to approve the Common Victualler license for hours from 7:00 AM to 10:00 PM. Ms. Stover seconded. So voted unanimously. Mr. Chadwick moved to approve the Entertainment License from 7:30 AM to 10:00 PM. Mr. Bennett seconded. So voted unanimously.

3. Public Hearing to Consider Potential Restrictions on the 2007 Liquor License and Entertainment License for The Muse, Michael O'Reilly, Manager. Chairman Willauer opened the public hearing.

Attorney Jamie Ranney, representing The Muse, spoke in support of the applicant and asked the Police Chief review his recommendations. Chief Pittman provided background information and reviewed suggestions for improvement of The Muse's issues that led to this hearing. Mr. Ranney followed up on The Muse's progress to date, specified planned activities to address neighbors' concerns about noise and security, and addressed Chief Pittman's recommendations. Discussion followed on seeking input from a sound engineer and potential use of a detail officer. Attorney Rhoda Weinman spoke on behalf of clients living near The Muse, asking for restrictions on licenses. Attorney Steve Cohen, representing the Surfside Road Association, spoke on its members' behalf. Mr. Ranney provided additional comments. Chief Pittman spoke regarding enforcement of the license as given and noted his opposition to assigning a detail or on-duty officer at the premises. Chairman Willauer closed the public hearing. Mr. Chadwick moved that the entertainment license be restricted to disallow all live entertainment at any time as well as any type of music after 11:00 PM until a noise mitigation expert gives recommendations that are implemented, compliance with the Town's lighting bylaw and a meeting between The Muse and neighbors occurs, after which time the Board may revisit the restrictions. Ms. Stover seconded. Mr. Bennett spoke in support of Chief Pittman's recommendations rather than Mr. Chadwick's motion. Discussion followed on the motion. Abutter Steven Welch suggested a reasonable standard for the sound be set, and asked for clarification on application of restrictions. Ms. Stover asked for a friendly amendment on issuing a 60-day license, and subsequently withdrew it. Jason Graziadei of *The Inquirer and Mirror* sought clarification on the motion. Ms. Stover seconded. So voted with Ms. Stover, Mr. Chadwick and Chairman Willauer voting in favor. Mr. Bennett voted in opposition. Mr. Ranney asked for clarification on the sound standard and asked for a follow-up public hearing to occur in 45 days. The Board agreed to schedule a public hearing to review the status of compliance with the restrictions on April 25, 2007.

4. Public Hearing to Consider Draft Cable Television Renewal License. Chairman Willauer opened the public hearing. Town Administrator Libby Gibson provided background information and noted a statutory requirement for the public hearing. Cable TV Advisory Committee Chairman Gene Mahon reviewed proposed points not now included in the current Comcast license including providing a local staffed office, prompt service on complaints and installations, connection availability to all island households at the standard rate and a private network for the Town Building; to implement any new technologies; to incorporate a privacy policy for subscribers and a provision for performance evaluation; as well as to provide funding of and channel space for public access programming, which he further reviewed. Discussion followed on a 5% surcharge to cable bills that would fund public access channel(s). Geno Geng suggested the Board ask Town Meeting voters to vote on a surcharge. CTAC member Christine Silverstein shared concerns about the timing of the contract expiring in March and elaborated on the benefits of public access channel(s). CTAC member Jennifer Erichsen spoke on network capabilities. Discussion followed on potential opportunities and the needs being met by current local channels. Ms. Gibson noted that a final contract will be provided to the Board when ready. Chairman Willauer closed the public hearing.

5. Public Hearing Regarding the Final Draft of the Nantucket and Madaket Harbors Plan. Chairman Willauer opened the public hearing. Ms. Gibson provided a status report of the Harbor

Plan Review Committee's recent meeting on February 15, 2007 and the substantial input received at that meeting, which is being reviewed for incorporation in the draft. Chairman Willauer invited any new comments. Bam LaFarge inquired as to the implementation of the plan once approved. Ed Sanford spoke on rights to view the harbor as being "involuntary view easements." Patty Roggeveen asked that the public be advised of the specifics of the next hearing. Discussion followed. The Board consented to continue the public hearing until March 21, 2007.

Town Administrator's Report. None.

Selectmen's Reports/Comment.

1. Review of 2007 Annual Town Meeting Warrant Articles for Board of Selectmen Comment. Ms. Gibson advised the Board of the timetable for including its comments in the warrant and reviewed these in sequence. The Board consented to support Article 24: Land Bank Financing and agreed to consider its comments on other articles. Ms. Gibson suggested no comments on zoning articles and the Board agreed. With regard to the Government Study Committee articles (44-52) the Board consented to support the change of designation of Town Administrator to Town Manager and to support the article on the Town Administrator making certain appointments. The Board also consented to indicate its support of the article to eliminate the Personnel Board and Our Island Home Board of Directors. Mr. Bennett noted that he had no comment. The Board consented to making no comments on Articles 52, 53 and 56. The Board consented to support Article 57. The Board reserved comment on 58, 59, 62 and 63 and consented to making a positive comment on Article 61. The Board agreed that no comment is needed for Articles 64-70, the Board-sponsored real estate articles. The Board consented to indicating no support for Article 71.

Chairman Willauer reviewed a public comment protocol amendment for consideration. Mr. Chadwick supported the inclusion of the language and the Board consented to include the matter on its February 28, 2007 agenda.

Mr. Bennett shared a personal letter to the federal Minerals Management Service regarding the proposed wind farm in Nantucket Sound.

At 9:14 PM, Chairman Willauer polled the Board and Mr. Bennett, Mr. Chadwick, Ms. Stover and Chairman Willauer voted unanimously to adjourn to Executive Session not to return to open session for the purpose of reviewing a real estate disposition matter.

Approved the 28<sup>th</sup> day of March 2007.